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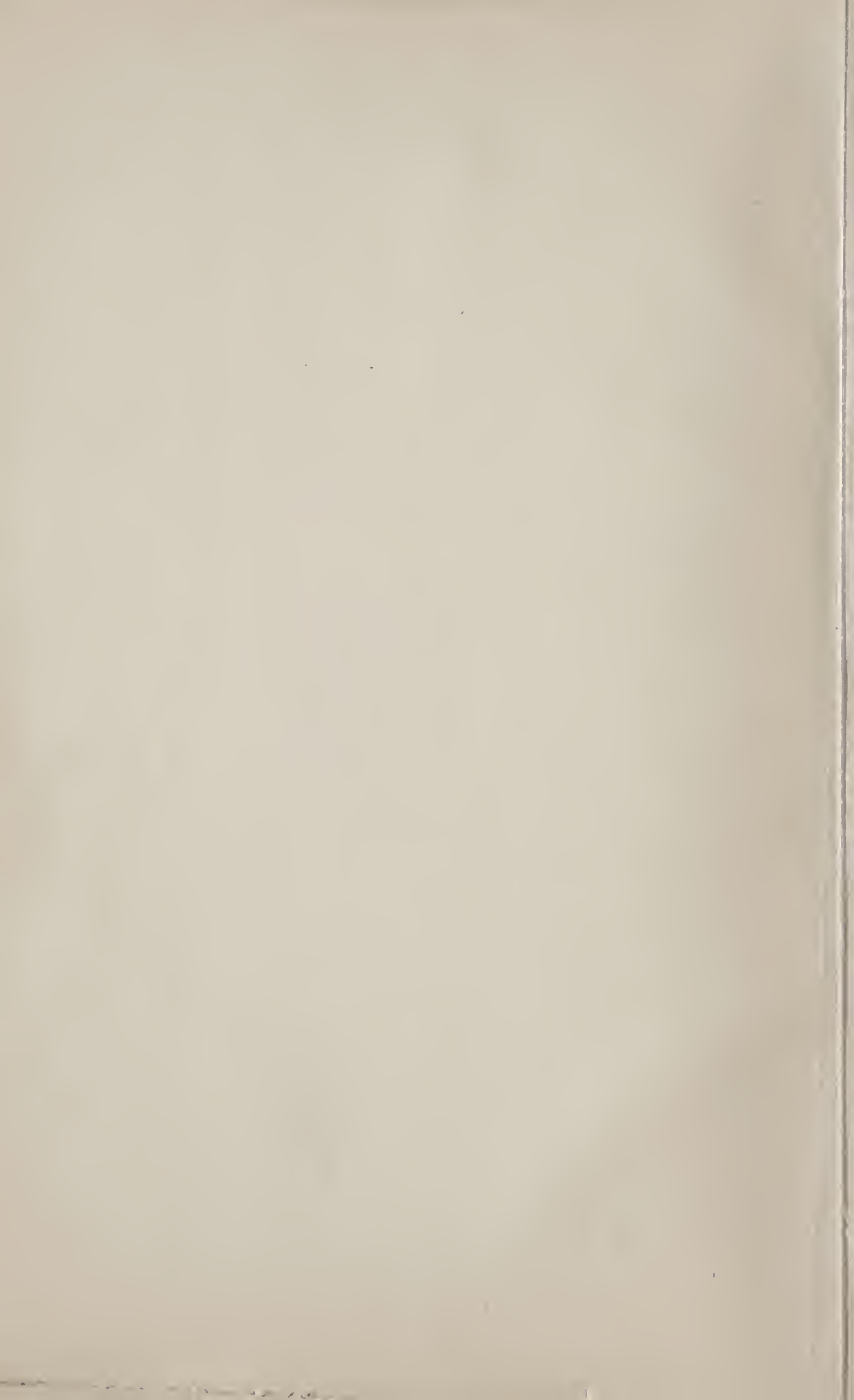
Ely Moore  
Civil Government  
N. Y. 1847



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ADDRESS

ON

CIVIL GOVERNMENT:

DELIVERED BEFORE THE

NEW YORK TYPOGRAPHICAL SOCIETY,

FEBRUARY 25th, 1847.

AT THE

SOCIETY LIBRARY LECTURE ROOM.

BY ELY MOORE.



NEW-YORK:

PRINTED BY B. R. BARLOW,  
13 CHAMBERS-STREET.

1847.





Ms. A. 9. 2. 12. 99

NEW YORK, *March 2, 1847.*

DEAR SIR: By favoring the N. Y. Typographical Society with a copy, as far as your memory serves you, of the Address lately delivered by yourself before that body, you will greatly oblige

Yours respectfully,

B. R. BARLOW.

Chairman Lecture Committee, N. Y. T. S.

HON. ELY MOORE, Broadway, New York.

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NEW-YORK, *March 8, 1847.*

DEAR SIR; In compliance with your request, conveyed to me through your note of the 2d inst. I have the honour to transmit to you a copy of the Address delivered before your Society on the 25th ult.

It is proper to state, perhaps, that some of the authorities cited in the Address as well as a portion of the facts and arguments—touching the right of the people to institute, change or abolish government—were, substantially, introduced by me some two or three years since, in the course of a public discussion, on what was then called the “Rhode Island Question.”

I remain with great respect,

Your friend and fellow citizen,

ELY MOORE.

B. R. BARLOW, Esq.,

Ch’n Lec. Com. N. Y. T. Society.



# ADDRESS.

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THE subject which I propose to discuss before you this evening, is one of profound and absorbing interest, involving the great problem of human rights and human liberty, viz: that of Civil Government;—its importance—its origin—the object of its creation, and the principles on which it should be founded and administered.

It is not necessary that I should dwell, at length, upon the importance of civil government. You, in common with the rest of mankind, acknowledge both its importance and necessity. In every age, and in every nation of the world, the mind of man has been directed to that subject, and more or less employed in its investigation. And yet, the question still remains undisposed of, and men, even now, enter upon it with as much earnestness and zeal, and with as great a diversity of opinion and argument, as if it were novel in its nature, and had just been broached for the first time—evincing the interest with which it is, and ever has been regarded by man, to be deep, anxious, and abiding. This is natural and proper, for no subject can more nearly, or deeply interest men than that of Civil Government—save his future and eternal destiny. “There are but two subjects in nature”—says Sir Henry Savile—“that are worthy of the thoughts of a wise man—namely, religion and government.”

Important and interesting as the question of Civil Government must have been to mankind in all ages and countries, yet we may safely affirm that, in no age, or country, did it involve such momentous results as in this? The reason of this is obvious. In no former era were the powers or capacities of the people—especially their political powers—so fully and generally developed, as they are in the present.

In proportion as the elements or principles of civil government are evolved, so does the *political power* acquire additional magnitude and momentum. And as that power is greater, and more widely diffused than at any former period—especially in this country—so must be its relative effects, either for good or for evil; for power, when put into operation, must necessarily educe either the one or the other. The *principle*, therefore, which influences or governs this power, should be founded in *right* and *justice*; otherwise, wrong and injustice would, necessarily and inevitably, be produced by its operation. Hence arises the obvious necessity that the people should make themselves thoroughly acquainted, not only with all the principles and powers, but also with the legitimate duties and functions of civil government. Without this knowledge, they can never be enabled to apply a proper test to the exercise of political power—can never detect its abuses, nor guard against its encroachments.

Would the mass of the people but adopt the analitical method of investigation—touching the subject of civil government—and trace political science to its simplest elements, and reduce it to its constituent parts, they would speedily reap an ample reward for their labours. For, then, so comprehensive, and accurate would be their knowledge of government—whether as regards its principles or its details—that the efforts of the political charlatan and demagogue, would not only be harmless, but amusing. And where lies the difficulty? Not, certainly, in the subject itself. Every action of human government, which influences the affairs of men, is reducible to ascertained principles. Political science, like every other, is but a collection of final truths—a body of established results; and entirely capable of being understood and appreciated.

The laws of finance, of commerce, of agriculture, in fact all the laws which relate to the social compact and civil government, are as fixed and determinate in their general results, as the laws of light, heat and gravitation. Hence,



it is evident that, if the mass of the people were thoroughly conversant with all the principles of government, and with the effect of the exercise of its powers upon their interests and conditions, there could not well exist any diversity of opinion among them, on that subject. No factions could arise to disturb the public tranquility, or endanger the public welfare. A *demonstrated truth*, admits of no controversy—forbids all party feuds and party distinctions. I now turn to the question of the origin of civil government.

On the origin of political society, or of civil government, the opinions advanced by different writers are various and contradictory. It is not my intention, at this time, to attempt an analysis of those conflicting theories. It is sufficient for our purpose to state that they may be comprised under two heads, viz: *Authority* and *Equality*. The common, or prevailing opinion, however, is that which refers the origin of society and of government to the primitive establishment of families. By a union of families, it is said, tribes were formed; and by a union of tribes colonies and nations were formed. It not unfrequently happens, however, that governments are formed by the accidental association of individuals, as I shall instance in the course of my remarks. But however government may have originated—whether from voluntary consent, from acquiescence and prescription, or from positive authority—I deem it but of little moment in determining the true source of sovereignty—or in ascertaining the benefits which result from the social state. Nor is it necessary, in order to ascertain the principles on which governments should be founded, to trace the history of their origin. The great question is not, how did governments originate? but, what is the principle which lies at their bases; what the nature and character of the first rules or laws by which primitive societies were governed, and what the advantages which result from the union of families and the organization of society. These are important and interesting questions, and I solicit your candid attention while I attempt to discuss them. I as-

sume, is the first place, that society is the natural element of humanity—the only element in which it can exist, and consequently, that the social state is an emanation from man's true and proper nature—his *social nature*. And, in the second place, that civil society, as such, is the result of a mutual understanding between individuals to establish certain rules or regulations which shall be binding upon all who may enter into such agreement or compact—the *object* always being *security and protection*.

This compact necessarily supposes certain covenants. These covenants imply conditions. It is these conditions which are to be considered as the first laws by which societies were governed. These, also, are the origin of all the political regulations which have been successively established.\*

It was not indispensable that either the first covenant, or the conditions on which they were founded, should be express. It was sufficient, in many cases, that they were tacitly understood. Such was, for example, the rule not to injure each other; that of being faithful to our engagements;—not to rob another of his lawful possessions;—that he who would disturb society be restrained, &c. There was no need of any particular solemnities in establishing such rules and maxims as these. They derive their origin from those sentiments of equity and justice which God has implanted in the hearts of all men. They are taught us by that internal light, which enables us to distinguish between right and wrong; dictated by that voice of nature, which will cause itself to be heard—if not always obeyed.

We are not, therefore, to consider the first laws of society as the fruit of any particular deliberation—confirmed by solemn and premeditated acts. They were established by a tacit consent—a kind of engagement to which men are naturally inclined. Even political authority was established very much in the same manner. This kind of tacit

\* See DE GOGUET on the Origin of Laws, &c. &c.—Vol. 1, Part 1, B. I.



agreement was also the origin of those *customs*, which, for a long time, were the only laws known among mankind. These early customs or usages served them for rules and precedents in their decisions; and these customs were founded only upon certain compacts, by which men tacitly bound themselves to each other. These, I repeat, were the conditions annexed to these covenants, which we must regard as the first laws.

But these first laws, the only ones known at the commencement of society, were not sufficient to preserve the peace, secure the safety, or effectually promote the welfare of mankind. They were neither sufficiently known, distinct, nor comprehensive. To remedy these defects, it was found necessary to invest with authority some individual or number of individuals, whose province and duty it should be to establish and enforce certain definite regulations. These definite regulations have very properly obtained the name of positive laws. These positive laws, we may readily suppose, were but very few at first, and respected only the most general interests of society. But few and imperfect as they were yet they were necessary to the existence of the civil or political state. The political art, however, has employed an engine well nigh as potent and efficient as the municipal law: I allude to those two main springs of human action—those salutary prejudices which have so much force among all nations, and which often supply the place of laws, and even of virtue itself: *the love of glory and the fear of shame*.

There are, as we all know, certain social virtues—such as generosity, candour, probity, &c, for which the civil law provides no reward. There are also certain social vices—such as avarice, deceit, ingratitude, &c., for which it provides no punishment. And yet, these great defects of the law—unavoidable, I admit, in most cases—are supplied and remedied, in a great measure, by the operation of those salutary prejudices and customs which are the natural fruits of society, and to which I have just alluded.

Honour, that sentiment so quick and delicate, is the legitimate offspring of the social state. Public and private interest have concurred to form it. The advantage and utility which society found to result from certain sentiments and from certain actions, led them naturally to regard these sentiments as the most precious attribute of human nature. By a necessary consequence of these same motives, they found themselves inclined to express the highest esteem and consideration for the person possessed of these desirable qualities. The ambition of obtaining this universal favour, affection, and esteem, is a principle from which society has reaped the greatest benefits ; a principle which has supplied the *wants of legal rewards for virtuous actions*.

With respect to those actions which are pernicious to good order and public tranquility, though no particular punishment could be decreed by law, society upon the same principle, has equally provided that they should not remain unpunished. Custom and opinion founded on the tacit consent of all societies, have in all times pronounced a sentence of dishonour and infamy on these vices ; a sentence not the less real or formidable that it was not prescribed by any particular law, or pronounced by any magistrate.

Notwithstanding there are no express laws for rewarding the social virtues, yet those who practice them seldom miss their reward—seldom fail to attract the esteem and admiration of the public ; rewards so much the more gratifying, as they are voluntary, and not the effect of any law. And so with regard to certain vicious actions, which though not punished by magistrates, seldom escape with impunity. The scorn, contempt and indignation of the wise and good, is their punishment. And though these sentences proceed not from the legislative power, and are not invested with the authority of the law, are not the less infallible in their effect, whether by recompensing virtue, by giving those who cultivate it all the distinctions which are capable of gratifying a rational self-love ; or in punishing vice, by



depriving the vicious and abandoned of the greatest comforts and blessings of society \*

In placing these salutary *sentiments*—the desire for approbation, and the dread of censure, or “the love of glory and the fear of shame”—thus prominently among the advantages and blessings which result exclusively from the social state, I do not intend thereby to undervalue the importance of the laws. Indeed, civil society necessarily supposes the *presence* of law, or order ; for law or order, is as essential to the existence and well-being of the civil or political, as to the physical world. Neither the one, nor the other, could be upheld or sustained without the presence of this vital and conservative principle.

The universe, and all that relates thereto, is presided over by law. When we speak of the works of creation—or rather, of the law or power which that creation is constrained to obey, we denominate it the law of nature. When we speak of the *cause* of that power, we call it the law of God. In the lower grades of the animal kingdom, each of the different order of beings pursue a prescribed course—ever impelled by the instinctive necessities of their natures, to secure the preservation of their existence ; and ever governed by an imperative law. Within the limits of this narrow range of action, no advance, or improvement, in their condition takes place. The offspring is not benefitted by the experience of the parent ; but each creature possesses within itself the power or faculty of accomplishing a given purpose—of satisfying animal wants—and there the capacity terminates. Not so, however, with man. By reason of his superior intellectual endowments, he perceives the advantage—nay, the necessity—of holding intercourse and communion with his fellow man. As he contemplates the great variety of things which surround him, he perceives that they are susceptible of ministering to his welfare, and capable of improving his natural condition. But he soon discovers that, his own unassisted ener-

\* See DE GOGUET—Vol. I. Article 2.

gies are inadequate to the accomplishment of his desires and purposes, and therefore, he seeks the aid of another. At this point, mutual assistance, and a mutual interchange of things or commodities begin. Here we discover the germ of the social compact. As this germ expands, the principles of right and wrong—of justice, and injustice, are partially developed. To promote the one, and restrain the other, is the object and province of social relationship.

Man is not only admonished by his physical wants, and the disparity which exists in the natural powers and faculties of individuals, but—as I have already intimated—by his affections, and the moral attributes of his nature, that he was designed for a state of society. But, he no sooner enters into society than he discovers the necessity of some civil restraint. Hence the universal introduction of governments, of some kind or other, into the social state.

I do not mean to say that, the restraint which government imposes, is necessarily hostile to man's *natural rights*. There is no necessary war between government and liberty. The former, if just and legitimate, is the shield and protector of the latter. No human law can be valid or binding which is in dissention with man's natural rights—or, that is not in accordance with the law of nature. "This law of nature"—says Justice Blackstone—"being co-eval with mankind, and dictated by God himself is, of course, superior to any other. It is binding over all the Globe, in all countries, and at all times—no human laws are of any validity if contrary to this—and such of them as are valid, derive all their force, and all their authority, mediately or immediately from this original."

A just government will not invade the natural rights of man, by imposing improper or unnecessary restraints upon his actions. If I may be allowed the expression, it merely abridges his *right* to do *wrong*, or, more properly, it constrains him to obey, and not to transgress the law of nature. The laws of a just government, therefore, will conform to the law of nature, and respond to the true and



moral emotions of the human heart and mind, and protect man in the enjoyment of his natural rights. Indeed, it will be admitted by all, as a self-evident proposition, that the proper object and duty of civil government, is *to establish and preserve equal rights and equal justice among men*. Notwithstanding all readily yield a verbal assent to the truth of this proposition, yet when they come to discuss, in detail, the great questions growing out of it---the natural, personal, and political rights of mankind---conflicting facts and warring opinions are introduced, and the great truth which they had admitted is lost sight of, or abandoned. The good of the many is sacrificed to the benefit of the few, and *right* and *justice* are supplanted by *power* and *privilege*. Now, the great desideratum is, what are the principles on which that government should be founded, which is best calculated to achieve the object named in the self-evident proposition to which all have assented?

Before entering upon the discussion of this topic, it will be necessary to treat of the *natural rights of man*, constituting, as they do, the true basis of all political science and human legislation. What are those rights? I answer, man's right to *life*, to *liberty*, and to *happiness*. These are primary and fundamental rights. The first is the gift of his Creator; and it would argue a want of benevolence, as well as of justice, on the part of the Creator, to bestow the former and withhold the latter. Life without liberty, would be a curse, rather than a blessing. Liberty is one of the incidents of man's very nature, and he has just as much right to it as he has to any of his mental faculties; or to the use of his limbs. In the nature of things he never should have been without it. It ever should have been as absolutely his as the ordinary use of his organs; or his right to walk erect. And yet, "by the violent accident of vicious government," he has been deprived of this essential property of life---this peerless boon of heaven---for ages and ages. Man's right to happiness is also to be inferred from the character and attributes of the Creator, as well as from

his own organization. In every part of creation we behold the evidences and manifestations of infinite beneficence. Man's very wants are a source of pleasure to him—the Creator having provided for their gratification; and the very fact that the exercise of man's faculties is necessary to the gratification of his desires, is but another evidence of the wisdom and benevolence of the common parent. Life, then, having been bestowed by the “giver of every good and perfect gift” for the purpose of happiness, it follows that, it is just as much man's right to be free and happy, as it his right to exist. Society, therefore, has no more right to deprive a man of his liberty, or happiness, than it has to deprive him of his life—except for the infraction of a righteous law.

Assuming then—what none will dispute—that all men have certain rights appertaining to them as *human beings*—not as political grants, nor privileges, nor gifts; but as natural, inherent, indefeasible rights—springing from the very constitution of the nature of man; derived through the laws of his being; the gift of his Creator; higher and holier than human constitutions, or human laws, it follows that the civil power which shall interfere with, or regulate these rights, should emanate from all who were instrumental in creating that power, and upon whom it shall operate. *All* having an equal and inherent right to participate in originating the government, so *all* have an equal and inherent right to its benefits and protection. The first proposition being general, the second must be general also. They must be co-extensive—co-equal.

Nor can this right—nor any other of man's rights—be affected by inequality of condition. The strong and the weak, the rich and the poor, possess them alike. As the casualties of life depress, or elevate all, so are the rights, which are incident to our nature, the common inheritance of all and each. Supremacy of condition, therefore, does not imply a supremacy of rights. The natural equality of man is essentially the same throughout the world, wher-



ever the race exists. They are all endowed with like appetites and desires—with like susceptibilities of pain and pleasure—with conscience and volition—children of a common origin, and a common destiny.

The great truth of the unity, or natural equality of man, is fully recognized and affirmed in the account given of his creation. “And God said let us make man in our own image. In the image of God created he him; male and female created he them.” In this history of man’s divine origin, we perceive no distinction, except the distinction of sex; no other is intimated or implied; but on the contrary, it is expressly declared in the scriptures that “God is no respecter of persons;” and that “all are equal in his sight.”

“It is evident in scripture”—says the pious, profound and erudite BELLARMINE—“that God hath ordained powers, but God hath given them to no particular person, because, by nature all men are equal; therefore he hath given power to the people or multitude.” And, I will add, that God has not only declared the great and significant truth of man’s natural equality, in his revealed word, but has written it upon the heart of man, and stamped it upon every characteristic and lineament of his being.

“God having given the government of the world to no one man”—says the immortal SYDNEY—“nor declared how it should be divided, left it to the will of man.” And, “we may safely conclude,”—he adds,—“that having given to all men, in some degree, a capacity of judging what is good for themselves, he hath granted to all, likewise, a liberty of inventing such forms as please them best, without favoring one more than another. \* \* \* \* “It is hard to imagine, that God who hath left all things to our choice, that are not evil in themselves, should tie us up in this; and utterly incredible that he should impose upon us a necessity of following his will without declaring it to us.”

Since, then, all men are created equal; since nature has set no difference between her children; since all have the same right to her benefactions; since all possess

the same senses, the same organs; since, in her original design, she created neither master nor slave, patrician nor plebian, wealthy nor poor, how can political laws—which are an absurdity and a curse if they are not the development of natural laws—but establish a glaring and tyrannic difference between the members of a community? How can laws, which in order to produce good, should be consonant with reason, insult its majesty without begetting evil? The dignity of human reason and of human *rights* cannot be violated without some re-action on the agents of the violation. “Those rights,” says Sir William Blackstone, “which God and nature have established, need not the aid of human laws to be more effectually insisted in every man than they are; neither do they receive any additional strength when declared by the municipal law to be inviolable. On the contrary, no human legislature has power to abridge or destroy them, unless the owner shall commit some act that amounts to a forfeiture.

“The case is the same as to crimes and misdemeanors that are forbidden by the superior laws, and therefore styled *mala in se*, such as murder, theft, and perjury, which contract no additional turpitude from being declared unlawful by the inferior legislature; for that legislature in all these cases acts only in subordination to the Great Lawgiver; transcribing and publishing his precepts. So that, upon the whole, the declaratory part of the municipal law has no force or operation at all with regard to actions that are naturally or intrinsically right or wrong.”

The soundness of these views will scarcely be questioned. They set forth, with peculiar power and emphasis, the important truth that the municipal law is merely declaratory as respects all natural rights; that it neither creates nor confers, but enjoins and enforces them. Whenever the law therefore forbids what nature allows, or directs what nature forbids, it trenches on the natural rights of man, and wrongfully interferes with human liberty. Nor can it confer rights or privileges, which nature hath not ordained,



without robbing others of that which it confers. All rights, therefore, established by law, that are not equal, are arbitrary, unjust, and unfounded in nature. It follows, then, that laws to be just, must be equal and consonant with nature. Nor can there be a departure from this principle, without incurring the danger—nay, ensuring the consequences of legal tyranny.

Shall I be told that man surrenders his natural rights, on entering into society? I know that this is a common opinion; but I trust that I shall be able to satisfy you—in very few words—that it is as fallacious and unfounded, as it is common. Admit that man forfeits even one natural right by becoming a member of the social compact, and all the rights which he received at the hand of the Creator may be absorbed by government, and government may assume the functions which pertain exclusively to an overruling Providence, and affect to become the sole arbiter and dispenser of good and evil, and the laws of man claim to be paramount to the laws of God. Only admit the doctrine that one natural right must necessarily be surrendered up to government, in order to protect another, and you open the door to fraud and force, and government, instead of being the guardian of the natural rights of man, as designed, becomes their adversary and destroyer.

Tyranny, alone, asserts that there is a necessary war between society and the individual. The social state being necessary to the development and exercise of man's intellectual and social nature—as all admit—would it not be monstrous to affirm that, the benefits appertaining to that state cannot be realized by man, without forfeiting those rights which God and nature vouchsafed to him? No, my friends, the social state emanating from man's social and proper nature, and designed to establish and promote the social, and to restrain the abuses and excesses of the selfish feeling, must not wrong, nor outrage man's nature by prohibiting the enjoyment and proper exercise of his natural rights and faculties. Crime, alone, can work a

forfeiture of man's natural rights ; and society in punishing crime and injustice, but exerts the right of self-defence—which is necessary to its existence and well-being. Without the exercise of this right, the organization of society could not be upheld, nor the objects of the social compact realized. It is only when men invade the rights of each other, that society can lawfully interpose its authority, and restrain, or punish.

When men come together for the purpose of establishing social relations, and civil government, what is the stipulation and mutual understanding between all the members? Not to invade the rights of each other, most undoubtedly :—whilst the government, on its part, agrees to protect each individual in the possession and enjoyment of his rights. Such are the proper and necessary obligations of both ; and the very instant that either take a step beyond this, an assumption of power, and an infringement of the compact is the certain and inevitable consequence. Government, therefore, has no more authority to invade the rights of individuals—in their legitimate exercise—than individuals have to invade the legitimate authority of government. It is the duty of the government, as the organ and agent of society, to protect the individual in the exercise and enjoyment of his natural rights. So, also, is it the duty of the governed to protect and defend the government in the discharge of its appropriate and legitimate functions. In a certain sense, the rights, interests, and duties of government and governed, are reciprocal. There is this important distinction, however—governments, properly speaking, have, of themselves, no *rights* ; “they are altogether duties.” Their powers are derivative—not inherent.

But, as natural and conventional rights run into each other—or, rather, as the latter grow out of the former—it is necessary that we distinguish properly between them. Natural rights, then, in contradistinction to social rights, are of that kind which belong to man by virtue of his exis-



tence; such as the rights of conscience, and of the intellect,—in a word, all those rights that are incident to his natural faculties, whether of mind or body. Conventional rights, on the other hand, are such as spring from the social compact, and belong to man by reason of his being a member of such compact. As I have already intimated, every civil or conventional right is founded in some natural right which was possessed by the individual prior to his connection with the social state; but which, for default of power, is rendered inefficient. Such as relate to security and protection are of this kind. This definition, though brief, I conceive to be clear and valid. It will not be difficult, therefore, to distinguish, hereafter, between those natural rights, which man, on entering into society retains—wholly, exclusively, and absolutely—from those which undergo certain modifications by being merged in the social state. The first, are of that class, evidently, where the power to execute them is available and perfect; while those that are merged, though perfect in the individual, are defective for want of power to execute them; and for this cause—for this want of power—it is, that he transfers them to society, in order to avail himself of its superior power. Let it be observed, however, that the natural rights retained—such as where the individual has the power competent to their full and effective exercise—are not to be molested by this superior social power. It is only where the power of the individual is defective, that the combined power of society is to be invoked, or called into requisition.

Allow me here to remark, that in asserting the natural equality of man, I do not intend to be understood that I consider all men equal in *degree*, but in *kind*. An equality of rights, by no means implies an equality of powers. I am aware, of course, of the natural disparity which exists in the conditions, powers, and capacities of men. Nor was it ever intended by nature that there should be, in these respects, a perfect equality among men—the theories of Condorcet, Godwin, and others of the same school, to the contrary

notwithstanding. Observation and experience alike teach us, that some men have more strength, more talent, and other superior endowments, than others. Any system legislation, therefore, that should attempt to reduce all men to a level—the strong to the weak, or the wise to the foolish—would be just as much a violation of the laws of nature, as it would be to attempt to reduce the tall man to the stature of the short one. Nature having bestowed unequal powers and capacities upon men, they are entitled to the benefit of nature's endowments, and have a perfect right to all the advantages which result from those superior gifts. If one man possesses more strength, more intellect, or more industry than another, let him enjoy the benefit of those advantages. The idea, therefore, of a perfect equality of wealth, or of an equal distribution of property, is absurd, impracticable, and unnatural. So, on the other hand, inequality produced by unequal, or partial legislation, is not only an unnecessary violation of the laws of nature, but highly unjust and prejudicial to the public welfare. Nature having bestowed upon men equal rights, it is proper that those rights should remain equal—so far, at least, as they depend upon legislative enactments.

All laws, which produce an artificial inequality in rights, and powers, such as the laws of primogeniture, entail, limitations of real property, private monopolies, and exclusive privileges, are repugnant to the principles of equal justice—in violation of the laws of nature, and invariably productive of unnecessary and mischievous distinctions in society. One great object of government, evidently should be, to preserve as perfect an equality of rights and property as possible, consistently with the natural inequality of power and capacity allotted to individuals.

“Above all things,” says Lord Bacon, “good policy should be used, that the moneys and treasures of a state be not gathered into few hands; otherwise a state may have a large stock, and yet starve.” The present condition of England, Ireland, and Scotland, is a striking exem-



plication of this truth. Whilst their nobility and privileged classes are gorged to satiety, and revelling in all the excesses of luxurious idleness, the industrious and down-trodden masses are writhing under the immediate wants of our nature. Aye, whilst their Apiciuses and Luculluses lavish away the proceeds of legalized extortions, in one night's entertainment, the people are supplicating for bread—and perishing while supplicating. What an instructive, but terrible commentary upon the practical effects of unequal and partial legislation! Tell me not of the unfruitfulness of the season, and the consequent deficiency of the crops. That is not the *essential cause* of the evil. It is not in this instance, at least, adequate to the effect. When social evils are clearly traceable to the mal-administration of human governments, it is not only improper, but *impious*, to impute them to the dispensations of Divine Providence. Let governments faithfully execute their trusts, and honestly perform their duties, before they presume to charge high Heaven with the social and political miseries of man.

When, let me ask, when were the people of Ireland exempt from political degradation, and consequent wretchedness and want? When was there a season so fruitful or so propitious, that the inhabitants of that mis-governed and ill-fated country did not sicken and languish for the indispensable comforts and necessities of life? All seasons, alas! have been seasons of distress to Ireland, since the fatal season of her political captivity; and returning seasons will ever bring with them an aggravation of recurring calamities—until it shall please God, in his own good time, to usher in the dawn of that *auspicious season*, which shall proclaim to Ireland her deliverance from British rule and British bondage.

But it is not for me, nor such as me, to attempt a portraiture of Ireland's wrongs. No, it requires the burning eloquence and bitter enthusiasm of her own gifted and ardent sons to do justice to the history of the wrongs of Ireland—dowered with endless woes, by the stern tyranny of

the government—the profligacy of the nobility—the insolence of the soldiery, and the exactions of the established Church.

My countrymen—Americans—need I dwell upon the melancholy fate of Ireland—of liberty-loving and liberty-deserving Ireland—with a view to excite your sympathies, or to quicken your benevolence? or need I remind you of the services performed by her gallant sons, in our country's cause, during the trying scenes of the Revolution, in order to awaken your gratitude, or to invigorate your exertions for her relief? No! no—it is enough to say, that in the hour of our extremity, when the hand of the oppressor—the same oppressor—was upon our throats, and his heel stamped into our hearts, Ireland freely gave of her *blood*—to save us from subjugation; and shall we refuse, in the hour of her extremity, to give unto her freely of our *bread*---to save her from starvation? Heaven forbid---Justice forbid---Gratitude forbid---Humanity, from the inmost depths of her universal being, cries out forbid! forbid!! As Americans, what more need we require—what more can we require—to cause us to put forth all our energies to rescue Ireland from starvation and death, than to *know her present wants*, and to remember her past services and sacrifices? Pardon this digression, my friends. It is ever difficult, we all know, to restrain the tongue from giving utterance to the feelings which swell and agitate the heart.—I now return to the subject.

What sure test then have we of the justice of laws? I answer, their impartiality and equality. Consult history, and every part will go to prove that, the equality, or inequality of the laws, has been the source of all good, and of all evil. I defy you to point out one people, that ever saw families, or castes, privileged by either birth or wealth, rise among them without working grievous wrong to the body politic. Wherever the equality of legislation is disregarded, or regarded only to be sported with, there will justice be dealt out with different measures and weights—virtue and talent will be judged by different standards.



The equality of the laws is two-fold; it measurably establishes equality in the fortunes and in the dignity of the citizens. In proportion as the laws provide for a greater equality, in that exact proportion do they become endeared to the members of a state. They are calculated to temper the passions, to assist reason, and consequently, to prevent iniquity. Unfortunately, legislators have almost ever lost sight of this great radical truth, that the object of all polity is to bind all the members of the families which constitute society, into one common interest; so that instead of reciprocally injuring themselves, they should mutually assist each other in their daily and social wants. If such be—and it cannot be denied—the end of all society, I infer that the laws which direct it must be strictly just. For man, whether oppressing, or oppressed, by virtue and in the name of the law, would in this state of society, be exposed to the same wrongs which he experienced in the state of nature. It is plainly the duty of government, therefore, to enact laws that shall be general in their scope and application, and in their operation equal and impartial to all. And the very instant that government departs from this principle, and dispenses favours to *some*, it does so by an usurpation of the rights of *all*. It cannot confer privileges on one man, without derogating from the rights of others. Class legislation, therefore, must ever be regarded as a great and lamentable evil; for whenever a particular class gain an ascendancy in the halls of legislation, the particular interests of that class are sure to be consulted rather than the public good. All classes of industry being equally important to the general welfare, and equally entitled to protection, it follows, that government cannot rightfully and legitimately favour the interests of any particular class, nor interfere with individual pursuits. “Whenever government assumes the power of discriminating between the different classes of the community,” says the lamented LEGGETT, “it becomes in effect the arbiter of their prosperity, and may, at pleasure, elevate one class and depress another, and exercises a

power not contemplated by any intelligent people in delegating their sovereignty to their rulers.”

While the fundamental principle of government, then, is the protection of person and property, its legitimate functions are restricted to the enacting and enforcing of general laws—uniform and universal in their operation.

Thus far, I have confined my remarks, chiefly, to the importance of civil government—to its origin—to the object of its creation, and to the principles on which it should be founded and administered. In discussing these several topics, I have taken the ground that the social state was necessary to the more full and perfect developement of man’s better nature—his affections, his moral emotions, and his intellectual capacities: That all government originated out of the physical, social, moral, and intellectual wants of man: That Government should be founded on the natural and inalienable rights of man: That rightful and legitimate government being instituted by all, and for and in behalf of all, should afford equal advantages and equal protection to all: That the law is merely declaratory, as respects natural rights: That man does not denude or divest himself of his natural rights, by becoming a member of society, but only adopts another mode for their more perfect security and exercise: That it is the duty of government to pass general laws, which shall be uniform and universal in their operation: That all partial legislation in behalf of certain classes or interests, is contrary to the design and spirit of the social compact, and subversive of the principles upon which all government should be founded. Such are my positions; and I must regard them as being founded in truth, until shown to be otherwise.

I would now ask your attention to the question of the right of man to self-government; and this, after all, is the vital and controlling question; for if this right be abnegated, all other political rights are nugatory, unavailable, and worthless. What—I think I hear some of you exclaim—what, can the right of man to self-government be called



in question in the year of our Lord 1847, and of American Independence 71; and that, too, in free America, and by an American citizen? Why, my friends, strange as it may seem to most of you, this very doctrine is denied and repudiated by thousands, even in this land of liberty—this peculiar homestead of freedom.

When I speak of the right of man to self-government, I have reference, of course, to a majority of the adult male population—such as are capable of entering into a contract, and who, under our system, are recognized as free-men and citizens; and according to the *theory* of our free institutions, are entitled to exercise the elective franchise. I do not, therefore, include women nor children. The political rights of the ladies I will leave to John Neale & Co;\* and the rights of children, to their parents and guardians, and to such grown up *children*, as may be childish enough to interpose such an objection to the general principle which has just been laid down.

If it be true, then, as I have endeavored to show, that all men are equal in respect to their natural rights; that they enter society on common ground; that government is the common agent of all, instituted by all, and for the common benefit of all, it would seem necessarily to follow that the question was settled, so far as the right of man to self government is concerned. But, as some are hard to believe in this doctrine, I will dwell upon it for a few moments longer. We have already seen that all men are created free and equal. Liberty and equality, then, being the gift of God, it follows that liberty and equality are incidents of man's very nature and being. This I hold to be as true as that God is the creator of man. This liberty must continue, then, until it be forfeited, or resigned. The forfeiture cannot be well predicated of a multitude who have not formed themselves into society; for it is evident that prior to that act they were all equal with regard to their rights. "Where there is no society, one man is not bound by the acts of

\* I mean no disrespect to Mr. Neale. I hold him in the highest esteem.

another.”\* All cannot be presumed to join in the same act, for the reason that they *join in none*. In that state, all are equals; and equals can have no right, or authority, over each other. And with regard to resignation, I would ask, how men can resign their liberty, unless they first possessed it? An act of resignation implies an assent on the part of those who resign to be governed by the person to whom the resignation was made. By that act they constitute him their governor. It is evident, therefore, that unless the right of government was originally in those who resigned, or conveyed it, the party to whom it was thus resigned or conveyed could have no right to it. The very fact of a people resigning their liberties, proves that the sovereignty resided originally in them; and wherever the sovereignty is, there must the right to freedom be. In despotic governments, the sovereignty, or freedom, resides in one individual. In free governments, it resides in the people. By way of illustration—let us take the case of a number of individuals who should determine to abandon their country and its institutions, and to settle upon some uninhabited island: who can doubt but that, one of their very first acts would be to establish social relationship among themselves, and to institute a form of civil government? And will any question their right to do so? I think not. Or will any question their right to establish just such a system as a majority of them might determine upon? Certainly not. No man will affirm the contrary. When a number of Phinicians had found a port on the coast of Africa—in the exercise of that freedom which they had brought with them, and which they had received at the hand of God—they proceeded to organize themselves in such manner, and to establish such a system of civil polity as they deemed proper. And where was the authority to forbid it? When a company of Sabines, Tuscans, and Latins, assembled upon the banks of the Tiber, and chose to form a government for themselves, rather than to live under

\* See Sydney on Government.



adjacent governments already established, by what authority could their right to do so be denied? But, to bring the matter nigher home. Who will assert that the Pilgrim Fathers, when they landed on Plymouth Rock, had not a perfect right to establish a form of government in such manner, and upon such principles as they deemed proper? Or, to bring the subject still nigher. What American will say that our Revolutionary sires were not justifiable in severing the ties which bound them to the British throne, and in establishing this free and glorious republic---this bright and sparkling gem of a government? If it be admitted, then, as it will, that our fathers had a right to absolve themselves from a government which they deemed oppressive, and to establish such an one as they considered better adapted to their happiness and welfare, have not we, I would ask, just as valid a right to change or abolish the system which they bequeathed us, whenever a majority of the nation or people shall deem it expedient or necessary? Why not? One generation being equal in rights to another, it must, therefore, be as free to act for itself as the one which preceded it. CARTWRIGHT, on the English Constitution, well remarks: "A people may assemble, and will what they call a Constitution; but yet no such act will morally bind even those who shall attain adult age next day, unless founded on the eternal principles of truth and the inherent rights of man. These principles are therefore the vital essence of a Constitution." Again---"A people of one generation may, at any one time, through ignorance, folly, or baseness, consent to relinquish their liberty; but the act being contrary to the law of nature, by the parties putting themselves out of a capacity to perform all the duties of morality, cannot bind; wherefore, whenever they shall have the requisite knowledge, sense, and virtue to resume their freedom, it is their right to do so."

"Each government," says Mr. Jefferson, "is as independent of the one preceding it, as that was of all which had gone before. It has, like them, a right to choose for itself

the form of government it believes the most promotive of its own happiness." Again---"This corporeal globe, and every thing upon it, belongs to its present corporeal inhabitants, during their generation. They alone have a right to declare what is the concern of themselves, and to declare the law of that direction ; and this declaration can only be made by them. The majority, then, has a right to depute representatives to a convention, to make the Constitution what they think will be best for themselves."

LIVY mentions an interesting historical fact, which has a bearing—remote, I admit—upon the question under consideration. It is related by that historian, that the Privernates had been repeatedly subdued by the Romans, and as often rebelled. Plautius, the Roman consul, at length defeated their armies and captured their city. In their extremity they sent ambassadors to Rome to sue for peace, when a Senator asked one of them "what punishment they deserved?" One of the ambassadors answered, "The same which they deserve who think themselves worthy of liberty." The consul then demanded, "What kind of peace might be expected from them if the punishment should be remitted?" The ambassador replied, "If the terms you give be good, the peace will be observed by us faithfully and perpetually; if bad, it will soon be broken." This bold and manly reply was approved by the Roman Senate, as worthy of a man and a freeman; and acknowledging that no man, nor nation, should remain under improper restraint, longer than compelled by force, said, "they were only fit to be Romans who thought nothing valuable but liberty." Whereupon the request of the Privernates was granted, and they were made citizens of Rome. By this act the Roman Senate not only acknowledged the right of man to self-government, but to rebellion.

Man, then, having a right to self-government—a perfect and undoubted right to establish government in such manner, and upon such principles as a majority may deem proper—it follows, necessarily, that the right of such majority



to change, modify, or abolish government, must be equally valid and perfect. They cannot possess the one, and not the other---the former, and not the latter. The sovereignty, then, residing in a majority of the people, or nation, such majority must, of necessity, have a perfect and undeniable right to use or direct their sovereignty in such manner, and to such purposes, as they may elect. If they determine, therefore, to change or abolish their form of government, the right to do so abides in them, and there is no power on earth that can rightfully restrain or interdict its exercise.

In this position I am fully sustained, not only by the sages of America, and the fathers of the republic, but also by the most eminent statesmen and philosophers of which England can boast, viz: Milton, Harrington, Sydney, Locke, Pailey, Hume, Burke, Priestly, and, if I mistake not, Lord Somers. I will, with your permission, read a few brief extracts from the writings of some of those illustrious men.

Mr. Pailey, Archdeacon of Carlisle, in his work, entitled “The Principles of Political and Moral Philosophy,” holds this language—“No usage, law, or authority whatever, is so binding, that it need or ought to be continued when it may be changed with advantage to the community. The family of the prince—the order of succession—the prerogative of the crown—the form and parts of the legislature, together with the respective powers, office, duration, and mutual dependency of the several parts, are all only so many laws, mutable like other laws, whenever expediency requires, either by the ordinary act of the legislature, or, if the occasion deserve it, by the *interposition of the people*.”

Mr. Locke, in his reply to Sir Robert Filmer’s “Patriarcha,” remarks, “It is true, that whatever engagements or promises any one has made for himself, he is under the obligation of them, but cannot, by any compact whatever, bind his children or posterity; for his son, when a man, being altogether as free as the father, *any act of the father can no more give away the liberty of the son, than it can of any body else*.”



I will now call your attention to two brief extracts, one from Hume, and the other from Burke, neither of whom could ever be considered as friends of very liberal political principles. Mr. Hume, speaking of Magna Charta, in his History of England, says, “It must be confessed, that the former articles of the great Charter contain such mitigations and explanations of the feudal law as are reasonable and equitable ; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice and free enjoyment of property ; the great object for which political society was founded for man, *which the people have a perpetual and inalienable right to recall, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention.*”

Mr. Burke is still more explicit, if possible, on this subject. In speaking of the Colonies, he holds the following strong and unequivocal language, — “If there be one fact in the world perfectly clear, it is this — that the disposition of the people of America is wholly averse to any other than a free government, and this is indication enough to any honest statesmen, how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer, *that it is what the people think so ; and that they, and not I, are the natural, lawful, and competent judges of this matter.*”

The right of the people, then, to institute, change, or abolish government, is fully, clearly, and energetically maintained, by the profound and distinguished writers just cited. With your permission I will notice one other authority, which, I doubt not, will command your sincere and profound attention, for it is of Heavenly origin, and may be found in the answer or command of God to Samuel, when the Israelites desired the Prophet to make them a king :

“And the LORD said unto Samuel, hearken unto the voice of the people in all that they say unto thee : for they have not rejected thee, but they have rejected me, that I should

not reign over them.” “Now, therefore, hearken unto their voice: nevertheless, protest solemnly unto them, and shew them the manner of the king that shall reign over them.”\*

We here perceive that the *right* of a nation, or people, to *choose* or to *change* their form of government, is a right which has received the sanction and recognition of Jehovah himself. Notwithstanding the foolish and wicked desire of the Israelites to have a king was displeasing to the prophet, hateful to God, and a rejection of his authority, yet he commanded Samuel to “hearken unto their voice, and make them a king.”

That law of liberty, which God had vouchsafed to Israel, and to all mankind, he would not—could not abrogate. Hence the proverb---“The voice of the people is the voice of God,” is not altogether unfounded in truth. Not only has the Creator, in his infinite wisdom, thought proper to commit to the creature his eternal interests, but also his temporal rights, as the proper depository of them.

I will here rest the argument for the present, on this part of the subject, with the remark, that whenever the principles and doctrines which have just been advanced shall be overthrown, and it shall be made manifest that the right of man to self-government---comprehending, as it necessarily does, his right to ordain and establish, and consequently, to alter or abolish government---is false and unfounded, then, I say, I shall be constrained to acknowledge that the champions of freedom throughout the world, and our own revolutionary sires, in particular---who advocated the dogma, and who have been hitherto regarded as the political saints and lights of the world---were but so many restless demagogues and political Jack O’Lanterns; and that liberty, instead of being a blessing, and the gift of God, is but a phantasm and figment of the brain---an illusion and a mockery! But—to adopt the language employed by myself on another occasion—until this be accomplished, I will, with Heaven’s

\* 1 Samuel, c. viii. See the whole chapter.



blessing, cleave to the political faith of my fathers--- to the cause of man, and of his enfranchisement---with all that enthusiasm of hope, and devotion of admiration, which quicken the pulse and ravish the heart of the youthful and adoring lover. Nay, while God grants me life and intellect, I will unite and concentrate all the energies of my nature in the defence and advocacy of that cause---combining and bringing to its aid, if need be, the austere devotion of the barefooted Carmelite, with the burning and resistless ardor of the zealous Crusader!

I would, in the next place, beg leave to offer a few remarks on the different systems of government which have obtained in the world. Their characters may be briefly stated thus:---Priestly authority, in the shape of theocracies—unlimited power, in the manifold forms of despotism—absolute monarchy, in the rights of kings—princely aristocracies, in the persons of a few self-constituted rulers. Such have been the different phases through which foregone societies have passed. Through all the varied periods and forms, all power originated from the summit of society, and weighed on those below. The first form of government mentioned, was one of priestcraft and superstition—or, if you please, of the sacerdotal form. The others were founded in power and conquest; and all arose *over*, and not *out* of the people. The Roman empire was exclusively founded on plunder. The wars of Europe, from Charlemagne to Louis XIV, and from Louis XIV, to the Holy Alliance, have, with the exception of the monopoly wars of England, mostly originated from the same motives.

Aristocracies are founded, generally, either in conquest or in legislative usurpation, and are ever at war with the principles of justice and the natural and equal rights of the people. “In an aristocracy,” says Montesque, “the supreme power is lodged in the hands of a certain number of persons. These are invested both with the legislative and executive authority; and the rest of the people are, in re-



spect to them, the same as the subjects of a monarchy in regard to the sovereign."

Let us now briefly consider the democratical form. There are, as you all know, two forms of democratical government. The simple form, where the people—if you will allow the mode of expression—are their own representatives, as was the case in the republics of Greece; and the representative form, where agents or trustees are delegated by the people to act for them, as in this country. Under this last system or form, every man or citizen must be regarded as a proprietor in government; and the agent or representative is the mere servant of those who elect or appoint him, and is therefore bound to act in reference to their interest and will; his powers never to exceed, but always to be subordinate to the will and authority of the represented. All power being originally inherent in, and immediately derived from the people, they are *supreme*; and consequently, there can be no exercise of sovereignty but by their suffrages---which is their own *will*.

"There necessarily exists in every government," says Judge Wilson, in his remarks on the adoption of the Federal Constitution, "a power, from which there is no appeal; and which, for that reason, may be termed supreme, absolute, and uncontrollable." \* \* \* "The consequence is, the people may change the Constitution, whenever, and however they please. This is a right of which no positive institutions can ever deprive them.

"These important truths are far from being merely speculative. We at this moment speak and deliberate under their benign influence. To the operation of these truths, we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, a peaceful, a voluntary, and a deliberate transition from one constitution of government to another. In other parts of the world, the idea of revolutions in government is, by a mournful and an indissoluble association, connected with the idea of wars, and all the calamities attendant on wars. But hap-

py experience teaches us to view such revolutions in a very different light—to consider them only as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind.”

“Oft have I viewed with silent pleasure and admiration, the force and prevalence through the United States, that the supreme power resides in the people, and that they never part with it. It may be called the *panacea* in politics. There can be no disorder in the community, but may here receive a radical cure. If the error be in the legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government, if the people are not wanting to themselves: from their power there is no appeal: to their error there is no superior principle of correction.”

That the supreme, absolute, and uncontrollable power, in this country, remains in the people, cannot be questioned. It was the doctrine of the Revolution—it is the doctrine of America. As the Constitution of a State, then, is superior to the legislature, and the people superior to the Constitution, it follows that the people can, when they please, and how they please, change or annul the same; and that, too, regardless of any provision it may contain: for we are not to suppose the agent superior to the principal, nor the creature above the creator; nor that the people will place their power beyond their own reach and control, and thereby denude themselves of their sovereignty; nor that the people may not, when they choose, re-assume all the powers of government. None of these things, I say, are to be presumed. In the language of that great man—that profound and enlightened statesman—from whose writings I have just read, “the right of the people to change their constitutions, is a right of which no positive institutions can ever deprive them.” This is the doctrine--- the very essence of political orthodoxy. Neither constitutional provisions, nor legislative enactments, can deprive the people from chang-



ing their form of government. And it would be strange enough were it otherwise; for then, one generation—either by inserting a clause in a constitution, or by legislative enactments—might bind all future generations, and prohibit the people from exercising their sovereignty through all coming time. If the power, from which there is no appeal, remains in the Constitution of a State, there must the sovereignty reside: if in the legislature, the sovereignty must reside in the legislature. But, in this country, thank Heaven, it resides in neither the one nor the other, but in the people—where God placed it.

A government which has the right of perpetuating itself, must, necessarily, have the right of altering itself; and therefore must be arbitrary in its nature, because it can make itself just what it pleases. Constitutional governments make no such pretensions; and whenever a government sets up such a claim, it shows it has no constitution. When the people of this country speak of the organic law of a state, or nation, they invariably have reference to a constitution---that power which precedes government, and contains the elements of a government---the principles on which it shall be established---the manner in which it shall be organized—the powers wherewith it shall be clothed—in a word, we regard a constitution as a *law* to a government; and to which all laws, to be valid, must conform.

A Constitution, in the American sense, is the property of a state, or nation, and not of a legislature. The legislature we regard as its creature, and subject to its control. The American Constitutions are established on the authority of the people, and are intended as guards against legislative encroachments and usurpations. It is very evident, therefore, that legislatures can have no right to interfere with the formation, nor alteration of a Constitution.

According to the theory of a representative democracy, as I have already stated, a Constitution, sanctioned by the people—and it cannot be a Constitution, in view of this theory, unless so sanctioned—is the fundamental law of a



state, or nation, and necessarily precedes government, and defines the nature and powers of government when established. It follows, therefore, that in the absence of such fundamental law, a government—of the nature and character just indicated—cannot be inferred, nor presumed to exist. Hence, whenever a case occurs, under our system, where the government, or legislature of a State, exercise powers not conferred by a Constitution—ordained and established by the people—nor in pursuance of powers delegated by a majority of the people—it does so without the sanction or warrant of fundamental law, and regardless of all rightful authority; and all powers so exercised, by such government or legislative body, are assumed and usurped.

In such a state of things, and under such circumstances, it is ever the just province and duty of a majority of the people, to throw themselves upon their natural and inherent rights, and, in the language of the Declaration of Independence, to “alter or abolish such government, and to institute a new government; laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.”

The great principle, then, my fellow-citizens, upon which our free institutions rest, is the unqualified and absolute sovereignty of the people; and constituting, as that principle does, the most positive and essential feature in the great charter of our liberties, so is it better calculated than any other to give elevation to our hopes, and dignity to our actions. So long as the people feel that the power to alter the form, or change the character of the government, abides in them, so long will they be impressed with that sense of security and of dignity, which must ever spring from the consciousness that they hold within their own hands a remedy for every political evil---a corrective for every governmental abuse and usurpation.

This principle, then, must be upheld and maintained, at all hazards and at every sacrifice---maintained in all the

power and fulness—in all the breadth and depth of its utmost capacity and signification. It is not sufficient that it be acknowledged as a mere abstraction, or theory, or doctrine; but as a practical, substantial, living reality—vital in every part: if I may so speak, the Word must become Flesh, and dwell among us.

This doctrine of the sovereignty of the people, thank Heaven, is the paramount law of the land. It is a bulwark, against which the clashing theories of legislators must crumble to atoms. I maintain that Providence has endowed each individual with that degree of reason which is necessary to direct him in those matters which exclusively concern him. This is the great maxim which supports the social and political fabric of this country. It teaches that each has the faculty of self-government; that no members of society are entitled to benefits that are not fully and equally extended to all. Society itself, in order to keep within the broad principles of natural rights and natural equity, must abstain from violating the perfectibility of man—must look into the abuses which time, ignorance, or cupidity may have introduced, and admit that what seems measurably good to-day, may conceal lurking seeds of mischief. Hence, every thing should concur in the fullest development of the democratic element; the culture, moral and intellectual, of the people, more than even the laws themselves; and the laws much more than mere physical circumstances.

If it be proper for legislators, at this advanced period of civilization, to curtail the right of reform, or shackle its progress, then the nations of Europe have done wrong to shake off the yoke of the feudal power—wrong to laugh contempt on the dread thunders of the Vatican—wrong to have vindicated the rights of humanity, against the established powers of despotism; and we, ourselves, still more so, in having challenged tyrants, of every kind, in the arena of our Revolution—hailed the Declaration of our Independence as an



advent of freedom, and lauded the doctrines of its author as the safeguards of our liberties.

It is but a vain---a worse than vain---it is a mischievous undertaking of legislators, to enter into a struggle with the more generous ideas and progressive evolutions of any society. They are its organs, not its antagonists; its agents, not its masters. Where there is a schism between the rights of the power which creates the agent, and the acts of the agent himself, there will discontent and danger inevitably be found. If governments after governments have perished, the true cause may be traced in a departure from the organic law, or a brutal resistance to the progressive ideas of society. Many are the leading politicians, of both political parties, who have of late advanced the heresy, that our government will perish by the excess of its own radical principle. I cannot stop to argue the point with such. I believe that governments generally perish through the excess of *selfishness*. Every government, unless imposed upon a people by foreign conquest, is, at the time of its creation, the seasonable and legitimate expression of society; otherwise, it would be but a mockery of a government. If sustained for any length of time by public adhesion, it soon absorbs itself in the idea of its own merits and excellencies—losing sight of the ends for which it was created, and forgetting that it is but a revocable ministry, instituted for the benefit of all. It not unfrequently happens that it separates itself from the people, its creator, and the mass of society suffer from the schism. From these considerations it is evident, that free or popular governments must not—cannot remain stationary. Their utility and well-being requires, that they should not only retrieve errors, and reform abuses, but *advance*. They must obey the law of progress, and keep pace with the improvements of society and the spirit of the age, or their usefulness—nay, their existence is at an end.

Our beloved country, I rejoice to say, has, in this respect, been neither remiss in her duties, recreant to her interests,



nor unmindful of her destiny. No, to her honor and praise be it spoken, the principles of popular revolution have not only found a safe repository in her free institutions, but received a propulsion at her hands, which no mortal agency may presume to baffle or impede. It is not in the nature of things, that these pure principles can be beaten back by the exertion of any earthly power. No, they are destined to the performance of a holy mission, whose tendency is to repudiate and nullify the fatal influences of those maxims and dogmas, which have so long swayed the destinies of the social and political world; and to proclaim and establish equal rights and equal justice—"Peace on earth and good will toward men." To maintain the contrary—to attempt the suppression of these pure and popular principles—would be the extreme of folly and improvidence. Nay, it would be to commit treason against mankind, and to war against the things willed of God! It cannot, therefore, avail. As well might you attempt to fetter the pinion of time, or chain the passing hour, as roll back the current of human progress, or impede the onward movement of the principles of popular revolution: they will—they must—accomplish their destinies. "There is a Divinity that shapes their end;" and its providential power—whilst it forbids them to recede—*compels* them to advance. And although there is, in the nature of human events, a sovereign and irrevocable necessity—paramount to all earthly power, and which baffles and defies all the efforts of man to check or to limit its control—yet it is in accordance with the laws of man's being, and the providence of God, that man should *concur* in all that relates to his preservation and welfare. Industry, watchfulness and care, is the very tenure of man's existence. He must obtain his bread by the sweat of his face. He must work out his own salvation. God has so decreed. Notwithstanding, therefore, the uniform and permanent tendency of this revolutionary movement of the day, in behalf of the free or popular principle, yet the *co-operation of man* is necessary --- not to the eventual triumph

of this principle, but that *he may enjoy its benefits and its blessings*.

To our country has been reserved the proud privilege of unfolding and *establishing* the principles of popular freedom. If you would rightly estimate the dignity and importance of this national position, regard, for a moment, the widespread and avalanche movement of *the principle*, which recognizes the natural equality of man, and the absolute sovereignty of the people. Already does it claim the attention, and challenge the judgment, of the wise and the good, of all lands and of all nations. The enlightened and philosophical statesman---of whatever creed or country---begins to regard the eventual triumph of this principle as inevitable---begins to believe, and to confess, as he calmly views the character and progress of events, that the happiness and welfare of the race demand the speedy installation of its power in every clime and country of the earth. Even Philosophy, herself, as she contemplates the accumulating intelligence and power of the masses, hesitates, and recoils, as she denounces this ultimate result as *Utopian*. Indeed, her most worthy and gifted disciples begin to regard it as an established truth---an indefeasible fact: confess that it is no startling phenomenon in the political world, but ancient as society itself, and its tendency the most stable and uniform of any which illustrates the chronicles of the human race. And herein they are correct. The spirit of popular liberty is not---as some superficial minds have contended---the exclusive growth of this country, and originally brought forth in the *travails* of the American Revolution. The principles which recognize the natural and political equality of man, were understood, and partially carried out, by our Saxon ancestors. DE LOLME, in treating of the early recognition of general social rights, in his great work on the Constitution of England, holds the following language:---  
 “The different orders of the feudal government, as established in England, being connected by tenures exactly similar, the same maxims which were laid down as true



against the lord paramount, in behalf of the lord of an upper fief, were likewise to be admitted against the latter, in behalf of the owner of an inferior fief. The same maxims were also to be applied to the possessor of a still lower fief; they farther descended to the freeman and to the peasant; and the spirit of liberty, after having circulated through the different branches of the feudal subordination, thus continued to flow through successive homogeneous channels; it forced a passage into the remotest ramifications, and the principle of *primeval equality became everywhere diffused and established*: a sacred principle, which neither injustice nor ambition can erase; which exists in every breast, and to exert itself, requires only to be awakened among the numerous and oppressed classes of mankind."

Co-eval with the first of our Colonies was the Petition of Right---that Magna Charta of a more liberal age---presented by Lord Coke and his enlightened compeers; and the founders of the American Colonies brought with them its *spirit*, if not its letter---brought with them the maxims and the *sentiments* of civil liberty; not engrossed on parchment, but written upon the tablets of their memories---inscribed upon the portals of their hearts---garnered up in the chambers of their souls; and the very first man that leaped from the deck of the May-Flower upon the Rock of Plymouth, was a *living incarnation of the spirit of liberty*---armed at all points---in head, and heart, and limb---to assert and vindicate ALL HIS RIGHTS AS MAN!

Our political emancipation was not achieved, nor our free system of government established, by virtue of the *discovery*, or *origination*, by us, of any of the principles or maxims of civil liberty; but by the intellectual labors of our fathers, in collecting, translating, developing, and arranging previously acquired notions of political rights and powers into a new form of polity. Our Declaration of Independence but *reinstated* the people in their ancient and original rights. The truths which it proclaimed required no labored argu-



ment, or formal demonstration, to cause them to be understood and appreciated; they were "*self-evident*," and only required to be announced, to challenge the universal assent of mankind. Nowhere else, however, have these principles—these "*self-evident truths*," now tending to their just supremacy—ever received either full development, or practical development. No, it was reserved to the statesmen of America to give them form and substance, as well as force and efficiency: and when they asserted—through Mr. Jefferson—that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed," they embraced all that was requisite to constitute a clear and perfect compendium of human rights, as well as a faithful epitome of all the appropriate functions and duties of human government. It is natural and proper, therefore, that the oppressed and down-trodden of all nations, who would follow in our steps, should look with eagerness, and with assurance, to us. Connected, as we are, by example, as well as by sympathy, with the successful advancement of these great principles, our country must, necessarily, be regarded as their peculiar champion and guardian; and responsible, as such, for their preservation and farther development. We owe it, then, to ourselves, to our children, and to the whole family of man, to be true and faithful to the sacred trust which has been confided to our care. Superior, as we are, to all other nations, in well defined and regulated liberty, so too, let us be superior to all others in holy efforts to extend and perpetuate the principles we have rendered immortal.

The socially and politically oppressed of all nations have a right to look to us for encouragement, for guidance, and relief—have a right to look to us for the performance of the promises we have tacitly made; the realization of the hopes we have virtually inspired, and the fulfilment of the lofty destiny to which we are pledged. May such be the

ardour and constancy of our devotion to the honor and welfare of our country—such the tenor of our conduct and course of action, as never to cast a cloud over their earnest expectations, chill the fervor of their desires, or blast the blossom of their hopes! No, let them still look with confidence to us for counsel and support—still hail our country as the cynosure of the social world, whose pure and steady light shall never bewilder or betray—as a political ELDO-RADO, teeming with blessings more precious than GOLD—more desirable than SAPPHIRES—more valuable than RUBIES.

And yet, alas! a day may come, when that *light* shall be dimmed, and those *privileges* and *blessings* extinguished forever. Yes, a day—a fatal day of jealousy and of discord, of passion and of parricide—may come, when her beauty and her strength, her faculties and her hopes shall sink together in the dark abyss of that illimitable ocean, which must, at last, absorb all perishable things! But, however crushing the blow, or terrible the doom that may await us—overwhelmed, prostrated, shivered into fragments, though we may be, yet, now—now, thank God, our immortality is secure! The glory of our deeds—the splendour of our example—the magic of our name—the spirit of our institutions and laws, will live forever and ever—beacon lights to all the nations of all the earth.

Yet, abiding and immortal as our name, our spirit and our principles shall be, let us be admonished by the ominous sounds and mystic voices that come wandering and wailing from the ruins of the past—ever shrieking as they come, this significant and appalling truth—“*Fallen Republics rise no more forever!* And though their spirit *may live* to animate others, it can never, never more *re-animate themselves!*”

Not so, however, with other systems of government. They are susceptible of renovation—possess, within themselves, certain recuperative powers or principles; and though fallen to-day, may rise again to-morrow—renewed



and invigorated. Even the physical world may be smitten by the pestilence, swept by the whirlwind, or convulsed and shattered into atoms by the earthquake ; and yet, a *better*, and a *fairer*, may spring from its ruins---Hope still remains to raise new worlds upon the desolation ! But, when a *moral pestilence* shall have seized upon the vitals of a republic---when the *storms of treason and corruption* shall beat upon it, and the baser passions---those earthquakes of the social world---shall *shake its integrity* and *devour its energies*, then, then, for a truth, have Despair and Death already marked it for their own ! !

Invoke the authority of the past, and it will answer in the spirit of these remarks. Regard, for a moment, the causes which promoted the disasters, or achieved the destruction of former republics---ponder well their histories, and you will find their every page---blurred by folly, or blackened by crime, though they may be---pregnant with fearful admonitions and salutary instruction. Be warned then, I beseech you, by the teachings of the past, to shun the follies and the wrongs which accelerated the downfall of past republics. Keep ever in your minds this accredited axiom---“like causes produce like effects,” and strive to shun their errors and their vices ; strive to shun that mystic doom---that irrevocable decree, which invariably associates the *privileges* and the *blessings* with the *curses* and the *privations* of empires. Be warned, I say, by this invariable law---this evident ordination from on high---to abjure those social and political vices, which are ever sure to enervate and destroy the vitality and prosperity of nations.

And if there be one bolt, in all the armory of Heaven, quicker, and hotter, and more fatal than the rest, let it descend for the certain destruction of him, who shall basely betray the institutions whose lights he has enjoyed, and for whose protection he is pledged---nay, for the destruction of him, and such as him, who shall refuse to offer up, when needs be, their lives, their fortunes---their all, in defence of their country's rights and their country's wel-



fare : For who does not know, that the constancy and patriotism of her sons constitute the only shield of her defence ; or who need be told, that their virtue and intelligence form the chief rampart of her strength, and the only reliable foundation of her hopes ?

I call upon you, then, my fellow-citizens---and especially upon you, gentlemen of the Typographical Society---as you love your country, and would bear aloft her fortunes and her fame, to cherish the principles upon which her free institutions rest. Address yourselves with zeal and alacrity to the duties---the important and imperative duties---which, as Americans and as patriots, devolve upon you. Strengthen and preserve the federal bond, by cultivating a spirit of unity---of mutual regard and mutual forbearance, on the one hand ; and by sternly reprobating, on the other, any and every attempt to mar its harmony, or alienate the confidence and sympathies of its members. Regard, at the same time, with *especial detestation*, the traitor and parricide who would dare trench upon the rights and powers reserved to the States, or invade their acknowledged sovereignty : for in this sovereignty consists the TRUE LIFE of the republic. It is---if I may be allowed the figure---the vital ligature which binds its different members together. Remove or dissever it, and the life-blood gushes from every vein and artery of the system---cementing and consolidating the federal power ; *but effectually undermining the rights of the States, and the liberties of the people.*

I call upon you, then, my brother PRINTERS---as prominent among those who constitute, and are hereafter to constitute the life-guard of liberty and of letters---to defend, with energy and constancy, the integrity of the federal union. Yes, I implore you, whose peculiar province and duty it is to marshal the way in freedom, in knowledge, and in civilization, to come up---in these years of trial and of temptation---to the help and rescue of your country. And from whom can the aid required more properly be demanded ? The most efficient auxiliary, evidently, would

be the enlightened and liberal statesman ; and where are such statesmen more likely to be found, than in the Printing Office? that practical nursery of knowledge—especially political knowledge. Have they not already furnished us with Statesmen and Philosophers whose fame is world-wide, and the record of whose achievements constitutes the proudest page in our country's history? Most of those honored and venerated ones, alas ! have gone to their rest. You are to take their places. You, too, are to share in the responsibility of enlightening, of developing, and of directing the mind and the energies of your country. Let it be the constant, the earnest desire and prayer of your hearts—as it is the desire and the prayer of all—that the counsels of your minds may be so enlightened, and the purposes of your hearts so directed, that your country—as she rejoices in the beauty of her heritage, and the glory of her destiny—shall hail you as benefactors, and with willing hand, record your names high on the ROLL of her gifted and chosen ones.





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